

Notice of Allowability

Application No.

10/533,598

Examiner

Nikita Wells

Applicant(s)

FUNNEMANN ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to "Preliminary Amendment" received 3 May 2005.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 05/03/05 & 03/16/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 03/28/07
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Nikita Wells
Primary Examiner
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DETAILED ACTION

Examiner's amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul E. Szabo on March 28, 2007.

The Examiner initiated an Interview with the Applicant in order to insert the missing Headings in the Specification, so that the application could be allowed. The following Headings were inserted into the Specification:

On page 3, before the first paragraph, starting with "The invention ..." the following is inserted: --BACKGROUND OF THE INVENTION--.

On page 9, before the last paragraph, starting with "The task of the invention..." the following is inserted: --SUMMARY OF THE INVENTION--.

On page 15, before the fourth paragraph, starting with "Exemplary embodiments..." the following is inserted: --BRIEF DESCRIPTION OF THE DRAWINGS--.

On page 16, before the third paragraph from the bottom, starting with "Figure 1 shows..." the following is inserted: --DETAILED DESCRIPTION OF THE INVENTION--.

Allowable Subject Matter

2. Claims 1-20 are allowed.
3. The following is an examiner's statement of reasons for allowance:

With respect to the independent claim 1, prior art fails to disclose or make obvious an image-generating energy filter for electrically charged particles such as electrons and ions with at least two toroidal energy analyzers arranged in a row, where at least one energy analyzer has a diaphragm at its entrance plane and another diaphragm at its exit plane, characterized in that: a transfer lens device (20, 20') is located between the exit plate (5) of the first energy analyzer (30, 30', 30'') and the entrance plane (6) of the second energy analyzer (40, 40', 40''), which device has negative lateral magnification V_L , negative angular magnification V_W , image rotation around the angle $\gamma = \beta - 180^\circ$, and a telescopic beam path, where its respective deflection angles ϕ are equal and its energy-dispersive planes (33, 43) are rotated around the angle β with respect to each other.

The dependent claims 2-20 are allowed by virtue of their dependence upon claim 1.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. R.L. Gerlach (4,882,487) discloses a direct-imaging, monochromatic electron microscope using a transfer lens and an energy filter to transmit monochromatic beams.

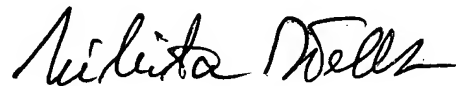
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (571) 272-2484. The examiner can normally be reached on 8:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571) 272-2293. The central fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nikita Wells, Primary Examiner
Art Unit 2881
March 28, 2007